

AMENDED IN SENATE APRIL 29, 2004

AMENDED IN SENATE APRIL 16, 2004

AMENDED IN SENATE MARCH 22, 2004

SENATE BILL

No. 1357

Introduced by Senator Scott

February 18, 2004

An act to amend Sections 8502, ~~and 8616.5~~ 8616.5, 8802, 8912, and 9000 of, and to add Sections 7660.5 and 7907.5 to, the Family Code, and to amend ~~Sections 293 and 827~~ Section 293 of, and to amend and renumber Section 18965 of, the Welfare and Institutions Code, relating to minors.

LEGISLATIVE COUNSEL'S DIGEST

SB 1357, as amended, Scott. Foster care and adoption.

Existing law governs juvenile court proceedings and adoption and foster care proceedings. Among other things, these provisions provide for the confidentiality of juvenile court records, require that notice of hearings in dependency proceedings be given to specified persons, and govern the rights of parents in adoption proceedings.

Existing federal law, the Indian Child Welfare Act, also governs proceedings to determine the custody or adoption placement of any child who is, or who may be, a member of, or eligible for membership in, an Indian tribe.

The Interstate Compact on the Placement of Children governs the placement of children in foster care or for adoption out of state.

This bill would provide that if a presumed father waives, renounces, or denies the existence of a parent and child relationship in writing, as

specified, no notice, relinquishment for, or consent to adoption shall be required from him for the adoption to proceed, as specified.

The bill would provide that a child who is born in this state and placed for adoption in this state with a resident of this state is not subject to the provisions of the Interstate Compact on the Placement of Children. The bill would make related changes and clarifications.

The bill would revise the definition of an adoption service provider, for purposes of provisions governing adoption, to include an adoption agency licensed or otherwise approved under the laws of another country.

The bill would make changes to provisions governing postadoption contact agreements, the confidentiality of juvenile court records, and foster care.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7660.5 is added to the Family Code, to
2 read:

3 7660.5. Notwithstanding any other provision of law, if a
4 presumed father waives, renounces, or denies the existence of a
5 parent and child relationship in writing by a document executed
6 before a notary public or other person authorized to perform
7 notarial acts, no notice, relinquishment for, or consent to adoption
8 of the child shall be required from him for the adoption proceeding
9 to proceed. This shall be a voluntary and informed decision
10 without undue influence. Notice of this waiver shall be served on
11 any known federally recognized Indian tribe or tribes from which
12 he or she may be descended, as required by federal Indian Child
13 Welfare Act (25 U.S.C. Sec. 1901 et seq.).

14 SEC. 2. Section 7907.5 is added to the Family Code, to read:

15 7907.5. (a) A child who is born in this state and placed for
16 adoption in this state with a resident of this state is not subject to
17 the provisions of the Interstate Compact on the Placement of
18 Children.

19 (b) A child who is born in this state and placed for adoption
20 with a person who is not a resident of this state is subject to the
21 provisions of the Interstate Compact on the Placement of Children,
22 regardless of whether the adoption petition is filed in this state. In

1 interstate placements, this state shall be deemed the sending state
2 for any child born in the state.

3 SEC. 3. Section 8502 of the Family Code is amended to read:

4 8502. (a) “Adoption service provider” means any of the
5 following:

6 (1) A licensed private adoption agency.

7 (2) An individual who has presented satisfactory evidence to
8 the department that he or she is a licensed clinical social worker
9 who also has a minimum of five years of experience providing
10 professional social work services while employed by a licensed
11 California adoption agency or the department.

12 (3) In a state other than California, or a country other than the
13 United States, an adoption agency licensed or otherwise approved
14 under the laws of that state or country, or an individual who is
15 licensed or otherwise certified as a clinical social worker under the
16 laws of that state or country.

17 (4) An individual who has presented satisfactory evidence to
18 the department that he or she is a licensed marriage and family
19 therapist who has a minimum of five years of experience providing
20 professional adoption casework services while employed by a
21 licensed California adoption agency or the department. The
22 department shall review the qualifications of each individual to
23 determine if he or she has performed professional adoption
24 casework services for five years as required by this section while
25 employed by a licensed California adoption agency or the
26 department.

27 (b) If, in the case of a birth parent located in California, at least
28 three adoption service providers are not reasonably available, or,
29 in the case of a birth parent located outside of California or outside
30 the United States who has contacted at least three potential
31 adoption service providers and been unsuccessful in obtaining the
32 services of an adoption service provider who is reasonably
33 available and willing to provide services, independent legal
34 counsel for the birth parent may serve as an adoption service
35 provider pursuant to subdivision (e) of Section 8801.5.
36 “Reasonably available” means that an adoption service provider
37 is all of the following:

38 (1) Available within five days for an advisement of rights
39 pursuant to Section 8801.5, or within 24 hours for the signing of

1 the placement agreement pursuant to paragraph (3) of subdivision
2 (b) of Section 8801.3.

3 (2) Within 100 miles of the birth mother.

4 (3) Available for a cost not exceeding five hundred dollars
5 (\$500) to make an advisement of rights and to witness the signing
6 of the placement agreement.

7 (c) Where an attorney acts as an adoption service provider, the
8 fee to make an advisement of rights and to witness the signing of
9 the placement agreement shall not exceed five hundred dollars
10 (\$500).

11 SEC. 4. Section 8616.5 of the Family Code is amended to
12 read:

13 8616.5. (a) The Legislature finds and declares that some
14 adoptive children may benefit from either direct or indirect contact
15 with birth relatives, including the birth parent or parents, after
16 being adopted. Postadoption contact agreements are intended to
17 ensure children of an achievable level of continuing contact when
18 contact is beneficial to the children and the agreements are
19 voluntarily entered into by birth relatives, including the birth
20 parent or parents, and adoptive parents.

21 (b) (1) Nothing in the adoption laws of this state shall be
22 construed to prevent the adopting parent or parents, the birth
23 relatives, including the birth parent or parents, and the child from
24 voluntarily entering into a written agreement to permit continuing
25 contact between the birth relatives, including the birth parent or
26 parents, and the child if the agreement is found by the court to have
27 been entered into voluntarily and to be in the best interests of the
28 child at the time the adoption petition is granted.

29 (2) Except as provided in paragraph (3), the terms of any
30 postadoption contact agreement executed under this section shall
31 be limited to, but need not include, all of the following:

32 (A) Provisions for visitation between the child and a birth
33 parent or parents and other birth relatives, including siblings.

34 (B) Provisions for future contact between a birth parent or
35 parents or other birth relatives, including siblings, or both, and the
36 child or an adoptive parent, or both.

37 (C) Provisions for the sharing of information about the child in
38 the future.

(3) The terms of any postadoption contact agreement shall be limited to the sharing of information about the child, unless the child has an existing relationship with the birth relative.

(c) At the time an adoption decree is entered *pursuant to a petition filed pursuant to Section 8714, 8802, 8912, or 9000*, the court entering the decree may grant postadoption privileges ~~when~~ *if* an agreement for those privileges has been entered into.

(d) The child who is the subject of the adoption petition shall be considered a party to the postadoption contact agreement. The written consent to the terms and conditions of the postadoption contact agreement and any subsequent modifications of the agreement by a child who is 12 years of age ~~and~~ *or* older is a necessary condition to the granting of privileges regarding visitation, contact, or sharing of information about the child, unless the court finds by a preponderance of the evidence that the agreement, as written, is in the best interests of the child. Any child who has been found to come within Section 300 of the Welfare and Institutions Code or who is the subject of a petition for jurisdiction of the juvenile court under Section 300 of the Welfare and Institutions Code shall be represented by an attorney for purposes of consent to the postadoption contact agreement.

(e) A postadoption contact agreement shall contain the following warnings in bold type:

(1) After the adoption petition has been granted by the court, the adoption cannot be set aside due to the failure of an adopting parent, a birth parent, a birth relative, or the child to follow the terms of this agreement or a later change to this agreement.

(2) A disagreement between the parties or litigation brought to enforce or modify the agreement shall not affect the validity of the adoption and shall not serve as a basis for orders affecting the custody of the child.

(3) A court will not act on a petition to change or enforce this agreement unless the petitioner has participated, or attempted to participate, in good faith in mediation or other appropriate dispute resolution proceedings to resolve the dispute.

(f) Upon the granting of the adoption petition and the issuing of the order of adoption of a child who is a dependent of the juvenile court, juvenile court dependency jurisdiction shall be terminated. Enforcement of the postadoption contact agreement shall be under the continuing jurisdiction of the court granting the

1 petition of adoption. The court may not order compliance with the
2 agreement absent a finding that the party seeking the enforcement
3 participated, or attempted to participate, in good faith in mediation
4 or other appropriate dispute resolution proceedings regarding the
5 conflict, prior to the filing of the enforcement action, and that the
6 enforcement is in the best interests of the child. Documentary
7 evidence or offers of proof may serve as the basis for the court's
8 decision regarding enforcement. No testimony or evidentiary
9 hearing shall be required. The court shall not order further
10 investigation or evaluation by any public or private agency or
11 individual absent a finding by clear and convincing evidence that
12 the best interests of the child may be protected or advanced only
13 by that inquiry and that the inquiry will not disturb the stability of
14 the child's home to the detriment of the child.

15 (g) The court may not award monetary damages as a result of
16 the filing of the civil action pursuant to subdivision (e) of this
17 section.

18 (h) A postadoption contact agreement may be modified or
19 terminated only if either of the following occurs:

20 (1) All parties, including the child if the child is 12 years of age
21 or older at the time of the requested termination or modification,
22 have signed a modified postadoption contact agreement and the
23 agreement is filed with the court that granted the petition of
24 adoption.

25 (2) The court finds all of the following:

26 (A) The termination or modification is necessary to serve the
27 best interests of the child.

28 (B) There has been a substantial change of circumstances since
29 the original agreement was executed and approved by the court.

30 (C) The party seeking the termination or modification has
31 participated, or attempted to participate, in good faith in mediation
32 or other appropriate dispute resolution proceedings prior to
33 seeking court approval of the proposed termination or
34 modification.

35 Documentary evidence or offers of proof may serve as the basis
36 for the court's decision. No testimony or evidentiary hearing shall
37 be required. The court shall not order further investigation or
38 evaluation by any public or private agency or individual absent a
39 finding by clear and convincing evidence that the best interests of
40 the child may be protected or advanced only by that inquiry and

1 that the inquiry will not disturb the stability of the child's home to
2 the detriment of the child.

3 (i) All costs and fees of mediation or other appropriate dispute
4 resolution proceedings shall be borne by each party, excluding the
5 child. All costs and fees of litigation shall be borne by the party
6 filing the action to modify or enforce the agreement when no party
7 has been found by the court as failing to comply with an existing
8 postadoption contact agreement. Otherwise, a party, other than the
9 child, found by the court as failing to comply without good cause
10 with an existing agreement shall bear all the costs and fees of
11 litigation.

12 (j) The Judicial Council shall adopt rules of court and forms for
13 motions to enforce, terminate, or modify postadoption contact
14 agreements.

15 (k) The court may not set aside a decree of adoption, rescind a
16 relinquishment, or modify an order to terminate parental rights or
17 any other prior court order because of the failure of a birth parent,
18 adoptive parent, birth relative, or the child to comply with any or
19 all of the original terms of, or subsequent modifications to, the
20 postadoption contact agreement.

21 SEC. 5. *Section 8802 of the Family Code is amended to read:*

22 8802. (a) (1) Any of the following persons who desire to
23 adopt a child may, for that purpose, file a petition in the county in
24 which the petitioner resides or, if the petitioner is not a resident of
25 this state, in the county in which the placing birth parent or birth
26 parents resided when the adoption placement agreement was
27 signed, or the county in which the placing birth parent or birth
28 parents resided when the petition was filed:

29 (A) An adult who is related to the child or the child's half
30 sibling by blood or affinity, including all relatives whose status is
31 preceded by the words "step," "great," "great-great," or
32 "grand," or the spouse of any of these persons, even if the
33 marriage was terminated by death or dissolution.

34 (B) A person named in the will of a deceased parent as an
35 intended adoptive parent where the child has no other parent.

36 (C) A person with whom a child has been placed for adoption.

37 (D) (i) A legal guardian who has been the child's legal
38 guardian for more than one year.

39 (ii) If the court has found the child to have been abandoned
40 pursuant to Section 7822, a legal guardian who has been the child's

1 legal guardian for more than six months. The legal guardian may
2 file a petition pursuant to Section 7822 in the same court and
3 concurrently with a petition under this section.

4 (iii) However, if the parent nominated the guardian for a
5 purpose other than adoption for a specified time period, or if the
6 guardianship was established pursuant to Section 360 of the
7 Welfare and Institutions Code, the guardianship shall have been in
8 existence for not less than three years.

9 (2) If the child has been placed for adoption, a copy of the
10 adoptive placement agreement shall be attached to the petition.
11 The court clerk shall immediately notify the department at
12 Sacramento in writing of the pendency of the proceeding and of
13 any subsequent action taken.

14 (3) *If the petitioner has entered into a postadoption contact*
15 *agreement with the birth parent as set forth in Section 8616.5, the*
16 *agreement, signed by the participating parties, shall be attached*
17 *to and filed with the petition for adoption.*

18 (b) The petition shall contain an allegation that the petitioners
19 will file promptly with the department or delegated county
20 adoption agency information required by the department in the
21 investigation of the proposed adoption. The omission of the
22 allegation from a petition does not affect the jurisdiction of the
23 court to proceed or the validity of an adoption order or other order
24 based on the petition.

25 (c) The caption of the adoption petition shall contain the names
26 of the petitioners, but not the child's name. The petition shall state
27 the child's sex and date of birth and the name the child had before
28 adoption.

29 (d) If the child is the subject of a guardianship petition, the
30 adoption petition shall so state and shall include the caption and
31 docket number or have attached a copy of the letters of the
32 guardianship or temporary guardianship. The petitioners shall
33 notify the court of any petition for guardianship or temporary
34 guardianship filed after the adoption petition. The guardianship
35 proceeding shall be consolidated with the adoption proceeding.

36 (e) The order of adoption shall contain the child's adopted
37 name, but not the name the child had before adoption.

38 *SEC. 6. Section 8912 of the Family Code is amended to read:*

39 8912. (a) A person desiring to adopt a child may for that
40 purpose file a petition in the county in which the petitioner resides.

1 The court clerk shall immediately notify the department at
2 Sacramento in writing of the pendency of the proceeding and of
3 any subsequent action taken.

4 (b) The caption of the adoption petition shall contain the names
5 of the petitioners, but not the child's name. The petition shall state
6 the child's sex and date of birth. The name the child had before
7 adoption shall appear in the joinder signed by the licensed
8 adoption agency.

9 (c) If the child is the subject of a guardianship petition, the
10 adoption petition shall so state and shall include the caption and
11 docket number or have attached a copy of the letters of the
12 guardianship or temporary guardianship. The petitioners shall
13 notify the court of any petition for guardianship or temporary
14 guardianship filed after the adoption petition. The guardianship
15 proceeding shall be consolidated with the adoption proceeding.

16 (d) The order of adoption shall contain the child's adopted
17 name, but not the name the child had before adoption.

18 (e) *If the petitioner has entered into a postadoption contact*
19 *agreement with the birth parent as set forth in Section 8616.5, the*
20 *agreement, signed by the participating parties, shall be attached*
21 *to and filed with the petition for adoption.*

22 SEC. 7. Section 9000 of the Family Code is amended to read:

23 9000. (a) A stepparent desiring to adopt a child of the
24 stepparent's spouse may for that purpose file a petition in the
25 county in which the petitioner resides.

26 (b) A domestic partner, as defined in Section 297, desiring to
27 adopt a child of his or her domestic partner may for that purpose
28 file a petition in the county in which the petitioner resides.

29 (c) The caption of the adoption petition shall contain the names
30 of the petitioners, but not the child's name. The petition shall state
31 the child's sex and date of birth and the name the child had before
32 adoption.

33 (d) If the child is the subject of a guardianship petition, the
34 adoption petition shall so state and shall include the caption and
35 docket number or have attached a copy of the letters of the
36 guardianship or temporary guardianship. The petitioners shall
37 notify the court of any petition for guardianship or temporary
38 guardianship filed after the adoption petition. The guardianship
39 proceeding shall be consolidated with the adoption proceeding.

1 (e) The order of adoption shall contain the child's adopted
2 name, but not the name the child had before adoption.

3 (f) *If the petitioner has entered into a postadoption contact*
4 *agreement with the birth parent as set forth in Section 8616.5, the*
5 *agreement, signed by the participating parties, shall be attached*
6 *to and filed with the petition for adoption.*

7 (g) For the purposes of this chapter, stepparent adoption
8 includes adoption by a domestic partner, as defined in Section 297.

9 SEC. 8. Section 293 of the Welfare and Institutions Code is
10 amended to read:

11 293. The social worker or probation officer shall give notice
12 of the review hearings held pursuant to Section 366.21 or 366.22
13 in the following manner:

14 (a) Notice of the hearing shall be given to the following
15 persons:

16 (1) The mother.

17 (2) The presumed father or any father receiving services.

18 (3) The legal guardian or guardians.

19 (4) The child, if the child is 10 years of age or older.

20 (5) Any known sibling of the child who is the subject of the
21 hearing if that sibling either is the subject of a dependency
22 proceeding or has been adjudged to be a dependent child of the
23 juvenile court. If the sibling is 10 years of age or older, the sibling,
24 the sibling's caregiver, and the sibling's attorney. If the sibling is
25 under 10 years of age, the sibling's caregiver and the sibling's
26 attorney. However, notice is not required to be given to any sibling
27 whose matter is calendared in the same court on the same day.

28 (6) In the case of a child removed from the physical custody of
29 his or her parent or legal guardian, the foster parents, relative
30 caregivers, community care facility, or foster family agency
31 having custody of the child. In a case in which a foster family
32 agency is notified of the hearing pursuant to this section, and the
33 child resides ~~with foster parents or relative caregivers, the foster~~
34 ~~family agency shall provide timely written notice of the hearing to~~
35 ~~the foster parents or relative caregivers. in a foster home certified~~
36 *by the foster family agency, the foster family agency shall provide*
37 *timely notice of the hearing to the child's caregivers.*

38 (7) Each attorney of record if that attorney was not present at
39 the time that the hearing was set by the court.

(8) If the court knows or has reason to know that an Indian child is involved, then to the Indian custodian and the tribe of that child. If the identity or location of the parent or Indian custodian and the tribe cannot be determined, notice shall be given to the Bureau of Indian Affairs.

(b) No notice is required for a parent whose parental rights have been terminated.

(c) The notice of hearing shall be served not earlier than 30 days, nor later than 15 days, before the hearing. In the case of an Indian child, if notice is given to the Bureau of Indian Affairs, the bureau shall have 15 days after receipt to provide the requisite notice to the parent or Indian custodian and the tribe.

(d) (1) The notice shall contain a statement regarding the nature of the hearing to be held and any change in the custody or status of the child being recommended by the supervising agency. If the notice is to the child, parent or parents, or legal guardian or guardians, the notice shall also advise them of the right to be present, the right to be represented by counsel, the right to request counsel, and the right to present evidence. The notice shall also state that if the parent or parents or legal guardian or guardians fail to appear, the court may proceed without them.

(2) In the case of an Indian child, the notice shall contain a statement that the parent or Indian custodian and the tribe have a right to intervene at any point in the proceedings. The notice shall also include a statement that the parent or Indian custodian and the tribe shall, upon request, be granted up to 20 additional days to prepare for the proceedings.

(e) (1) Service of the notice shall be by first-class mail addressed to the last known address of the person to be noticed or by personal service on the person. Service of a copy of the notice shall be by personal service or by certified mail, return receipt requested, or any other form of notice that is equivalent to service by first-class mail.

(2) In the case of an Indian child, notice shall be by registered mail, return receipt requested.

(f) Notice to a foster parent, a relative caregiver, a certified foster parent who has been approved for adoption, or the State Department of Social Services when it is acting as an adoption agency in counties that are not served by a county adoption agency or by a licensed county adoption agency, shall indicate that the

1 person notified may attend all hearings ~~and shall be given an~~
2 ~~opportunity to be heard by the court,, as provided in 42 U.S.C. Sec.~~
3 ~~675(5)(G), and may submit any information he or she deems~~
4 ~~relevant to the court in writing. The opportunity to be heard shall~~
5 ~~not in itself be construed to make the foster parent a party to the~~
6 ~~hearing; or may submit any information he or she deems relevant~~
7 ~~to the court in writing.~~

8 SEC. 6. ~~Section 827 of the Welfare and Institutions Code is~~
9 ~~amended to read:~~

10 827. (a) (1) ~~Except as provided in Section 828, a case file~~
11 ~~may be inspected only by the following:~~

12 (A) ~~Court personnel.~~

13 (B) ~~The district attorney, a city attorney, or city prosecutor~~
14 ~~authorized to prosecute criminal or juvenile cases under state law.~~

15 (C) ~~The minor who is the subject of the proceeding.~~

16 (D) ~~His or her parents or guardian.~~

17 (E) ~~The attorneys for the parties, and judges, referees, other~~
18 ~~hearing officers, probation officers and law enforcement officers~~
19 ~~who are actively participating in criminal or juvenile proceedings~~
20 ~~involving the minor.~~

21 (F) ~~The superintendent or designee of the school district where~~
22 ~~the minor is enrolled or attending school.~~

23 (G) ~~A police or sheriff's department, a county probation~~
24 ~~department, or a county welfare department.~~

25 (H) ~~The State Department of Social Services to carry out its~~
26 ~~duties pursuant to Division 9 (commencing with Section 10000),~~
27 ~~and Part 5 (commencing with Section 7900) of Division 12 of the~~
28 ~~Family Code to oversee and monitor county child welfare~~
29 ~~agencies, children in foster care or receiving foster care assistance,~~
30 ~~and out of state placements.~~

31 (I) ~~To authorized legal staff or special investigators who are~~
32 ~~peace officers who are employed by, or who are authorized~~
33 ~~representatives of, the State Department of Social Services, as~~
34 ~~necessary to the performance of their duties to inspect, license, and~~
35 ~~investigate community care facilities, and to ensure that the~~
36 ~~standards of care and services provided in those facilities are~~
37 ~~adequate and appropriate and to ascertain compliance with the~~
38 ~~rules and regulations to which the facilities are subject. The~~
39 ~~confidential information shall remain confidential except for~~
40 ~~purposes of inspection, licensing, or investigation pursuant to~~

~~Chapter 3 (commencing with Section 1500) and Chapter 3.4 (commencing with Section 1596.70) of Division 2 of the Health and Safety Code, or a criminal, civil, or administrative proceeding in relation thereto. The confidential information may be used by the State Department of Social Services in a criminal, civil, or administrative proceeding. The confidential information shall be available only to the judge or hearing officer and to the parties to the case. Names that are confidential shall be listed in attachments separate to the general pleadings. The confidential information shall be sealed after the conclusion of the criminal, civil, or administrative hearings, and shall not subsequently be released except in accordance with this subdivision. If the confidential information does not result in a criminal, civil, or administrative proceeding, it shall be sealed after the State Department of Social Services decides that no further action will be taken in the matter of suspected licensing violations. Except as otherwise provided in this subdivision, confidential information in the possession of the State Department of Social Services shall not contain the name of the minor.~~

~~(J) Members of children's multidisciplinary teams, persons or agencies providing treatment or supervision of the minor.~~

~~(K) A judge, commissioner, or other hearing officer assigned to a family law case with issues concerning custody or visitation, or both, involving the minor, and the following persons, if actively participating in the family law case: a family court mediator assigned to a case involving the minor pursuant to Article 1 (commencing with Section 3160) of Chapter 11 of Part 2 of Division 8 of the Family Code, a court-appointed evaluator or a person conducting a court-connected child custody evaluation, investigation, or assessment pursuant to Section 3118 of the Family Code, and counsel appointed for the minor in the family law case pursuant to Section 3150 of the Family Code. Prior to allowing counsel appointed for the minor in the family law case to inspect the file, the court clerk may require counsel to provide a certified copy of the court order appointing him or her as the minor's counsel.~~

~~(L) Juvenile justice commissions as established under Section 225. The confidentiality provisions of Section 10850 shall apply to a juvenile justice commission and its members.~~

~~(M) A foster parent or relative caregiver may obtain only case-specific information that is required to complete, file, and serve any petition, motion, request, or other document they are legally authorized to submit to the court. A foster parent or relative caregiver may not obtain any other information contained in the case file except upon court order or as otherwise permitted pursuant to state or federal law.~~

~~(N) Any other person who may be designated by court order of the judge of the juvenile court upon filing a petition.~~

~~(2) Notwithstanding any other law and subject to subparagraph (A) of paragraph (3), juvenile case files, except those relating to matters within the jurisdiction of the court pursuant to Section 601 or 602, which pertain to a deceased child who was within the jurisdiction of the juvenile court pursuant to Section 300, shall be released to the public pursuant to an order by the juvenile court after a petition has been filed and interested parties have been afforded an opportunity to file an objection. Any information relating to another child or which could identify another child, except for information about the deceased, shall be redacted from the juvenile case file prior to release, unless a specific order is made by the juvenile court to the contrary. Except as provided in this paragraph, the presiding judge of the juvenile court may issue an order prohibiting or limiting access to the juvenile case file, or any portion thereof, of a deceased child only upon a showing that release of the juvenile case file or any portion thereof is detrimental to the safety, protection, or physical, or emotional well-being of another child who is directly or indirectly connected to the juvenile case that is the subject of the petition.~~

~~(3) Access to juvenile case files pertaining to matters within the jurisdiction of the juvenile court pursuant to Section 300 shall be limited as follows:~~

~~(A) If a juvenile case file, or any portion thereof, is privileged or confidential pursuant to any other state law or federal law or regulation, the requirements of that state law or federal law or regulation prohibiting or limiting release of the juvenile case file or any portions thereof shall prevail. Unless a person is listed in subparagraphs (A) to (M), inclusive, of paragraph (1) and is entitled to access under the other state law or federal law or regulation without a court order, all those seeking access, pursuant to other authorization, to portions of, or information relating to the~~

1 ~~contents of, juvenile case files protected under another state law~~
2 ~~or federal law or regulation, shall petition the juvenile court. The~~
3 ~~juvenile court may only release the portion of, or information~~
4 ~~relating to the contents of, juvenile case files protected by another~~
5 ~~state law or federal law or regulation if disclosure is not~~
6 ~~detrimental to the safety, protection, or physical or emotional~~
7 ~~well-being of a child who is directly or indirectly connected to the~~
8 ~~juvenile case that is the subject of the petition. This paragraph shall~~
9 ~~not be construed to limit the ability of the juvenile court to carry~~
10 ~~out its duties in conducting juvenile court proceedings.~~

11 (B) ~~Prior to the release of the juvenile case file or any portion~~
12 ~~thereof, the court shall afford due process, including a notice of~~
13 ~~and an opportunity to file an objection to the release of the record~~
14 ~~or report to all interested parties.~~

15 (4) ~~A juvenile case file, any portion thereof, and information~~
16 ~~relating to the content of the juvenile case file, shall not be~~
17 ~~disseminated by the receiving agencies to any persons or agencies,~~
18 ~~other than those persons or agencies authorized to receive~~
19 ~~documents pursuant to this section. Further, a juvenile case file,~~
20 ~~any portion thereof, and information relating to the content of the~~
21 ~~juvenile case file, shall not be made as an attachment to any other~~
22 ~~documents without the prior approval of the presiding judge of the~~
23 ~~juvenile court, unless it is used in connection with and in the course~~
24 ~~of a criminal investigation or a proceeding brought to declare a~~
25 ~~person a dependent child or ward of the juvenile court.~~

26 (b) (1) ~~While the Legislature reaffirms its belief that juvenile~~
27 ~~court records, in general, should be confidential, it is the intent of~~
28 ~~the Legislature in enacting this subdivision to provide for a limited~~
29 ~~exception to juvenile court record confidentiality to promote more~~
30 ~~effective communication among juvenile courts, family courts,~~
31 ~~law enforcement agencies, and schools to ensure the rehabilitation~~
32 ~~of juvenile criminal offenders as well as to lessen the potential for~~
33 ~~drug use, violence, other forms of delinquency, and child abuse.~~

34 (2) ~~Notwithstanding subdivision (a), written notice that a~~
35 ~~minor enrolled in a public school, kindergarten to grade 12,~~
36 ~~inclusive, has been found by a court of competent jurisdiction to~~
37 ~~have committed any felony or any misdemeanor involving curfew,~~
38 ~~gambling, alcohol, drugs, tobacco products, carrying of weapons,~~
39 ~~a sex offense listed in Section 290 of the Penal Code, assault or~~
40 ~~battery, larceny, vandalism, or graffiti shall be provided by the~~

~~1 court, within seven days, to the superintendent of the school
2 district of attendance. Written notice shall include only the offense
3 found to have been committed by the minor and the disposition of
4 the minor's case. This notice shall be expeditiously transmitted by
5 the district superintendent to the principal at the school of
6 attendance. The principal shall expeditiously disseminate the
7 information to those counselors directly supervising or reporting
8 on the behavior or progress of the minor. In addition, the principal
9 shall disseminate the information to any teacher or administrator
10 directly supervising or reporting on the behavior or progress of the
11 minor whom the principal believes needs the information to work
12 with the pupil in an appropriate fashion, to avoid being needlessly
13 vulnerable or to protect other persons from needless vulnerability.~~

~~14 Any information received by a teacher, counselor, or
15 administrator under this subdivision shall be received in
16 confidence for the limited purpose of rehabilitating the minor and
17 protecting students and staff, and shall not be further disseminated
18 by the teacher, counselor, or administrator, except insofar as
19 communication with the juvenile, his or her parents or guardians,
20 law enforcement personnel, and the juvenile's probation officer is
21 necessary to effectuate the juvenile's rehabilitation or to protect
22 students and staff.~~

~~23 An intentional violation of the confidentiality provisions of this
24 paragraph is a misdemeanor punishable by a fine not to exceed five
25 hundred dollars (\$500).~~

~~26 (3) If a minor is removed from public school as a result of the
27 court's finding described in subdivision (b), the superintendent
28 shall maintain the information in a confidential file and shall defer
29 transmittal of the information received from the court until the
30 minor is returned to public school. If the minor is returned to a
31 school district other than the one from which the minor came, the
32 parole or probation officer having jurisdiction over the minor shall
33 so notify the superintendent of the last district of attendance, who
34 shall transmit the notice received from the court to the
35 superintendent of the new district of attendance.~~

~~36 (e) Each probation report filed with the court concerning a
37 minor whose record is subject to dissemination pursuant to
38 subdivision (b) shall include on the face sheet the school at which
39 the minor is currently enrolled. The county superintendent shall
40 provide the court with a listing of all of the schools within each~~

1 school district, within the county, along with the name and mailing
2 address of each district superintendent.

3 ~~(d) Each notice sent by the court pursuant to subdivision (b)~~
4 ~~shall be stamped with the instruction: “Unlawful Dissemination~~
5 ~~Of This Information Is A Misdemeanor.” Any information~~
6 ~~received from the court shall be kept in a separate confidential file~~
7 ~~at the school of attendance and shall be transferred to the minor’s~~
8 ~~subsequent schools of attendance and maintained until the minor~~
9 ~~graduates from high school, is released from juvenile court~~
10 ~~jurisdiction, or reaches the age of 18, whichever occurs first. After~~
11 ~~that time the confidential record shall be destroyed. At any time~~
12 ~~after the date by which a record required to be destroyed by this~~
13 ~~section should have been destroyed, the minor or his or her parent~~
14 ~~or guardian shall have the right to make a written request to the~~
15 ~~principal of the school that the minor’s school records be reviewed~~
16 ~~to ensure that the record has been destroyed. Upon completion of~~
17 ~~any requested review and no later than 30 days after the request for~~
18 ~~the review was received, the principal or his or her designee shall~~
19 ~~respond in writing to the written request and either shall confirm~~
20 ~~that the record has been destroyed or, if the record has not been~~
21 ~~destroyed, shall explain why destruction has not yet occurred.~~

22 ~~Except as provided in paragraph (2) of subdivision (b), no~~
23 ~~liability shall attach to any person who transmits or fails to transmit~~
24 ~~any notice or information required under subdivision (b).~~

25 ~~(e) For purposes of this section, a “juvenile case file” means~~
26 ~~a petition filed in any juvenile court proceeding, reports of the~~
27 ~~probation officer, and all other documents filed in that case or~~
28 ~~made available to the probation officer in making his or her report,~~
29 ~~or to the judge, referee, or other hearing officer, and thereafter~~
30 ~~retained by the probation officer, judge, referee, or other hearing~~
31 ~~officer.~~

32 ~~SEC. 7.~~

33 *SEC. 9.* Section 18965 of the Welfare and Institutions Code,
34 as amended and renumbered by Chapter 1122 of the Statutes of
35 1992, is amended and renumbered to read:

36 18964. (a) Notwithstanding any provision of law governing
37 the disclosure of information and records, including, but not
38 limited to, Section 5328 of the Welfare and Institutions Code, a
39 person who is trained and qualified to serve on a multidisciplinary
40 personnel team pursuant to subdivision (d) of Section 18951,

1 whether or not the person is serving on a team, may be deemed, by
2 the team, to be part of the team as necessary for the purpose of the
3 prevention, identification, management, or treatment of an abused
4 child and his or her parents. The designated team may deem a
5 person to be a member of the team for a particular case, and that
6 team shall specify its reasons, in writing, for deeming that person
7 to be a member of the team. The person, when deemed a member
8 of the team, may receive and disclose information relevant to a
9 particular case as though he or she were a member of the team. The
10 information and records which may be disclosed shall not be
11 restricted to those obtained in the course of providing services
12 pursuant to this chapter.

13 (b) ~~The foster parent or relative~~ caregiver of the child shall be
14 permitted to provide information *about the child* to the
15 multidisciplinary personnel team that will be considered by the
16 team and to attend meetings of the multidisciplinary personnel
17 team, *as deemed appropriate by the team, without becoming a*
18 *member of the team. Any caregiver who attends multidisciplinary*
19 *personnel team meetings shall agree in writing not to disclose any*
20 *confidential information he or she receives as a result of his or her*
21 *participation with the team..*

